

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GENERAL JOHN T. CHAIN, JR.,)	
(USAF, Retired),)	
)	
Plaintiff,)	Case No. 07 C 6317
)	
v.)	Honorable Ronald A. Guzman
)	
LAKE FOREST PARTNERS, LLC,)	
A Nevada Corporation;)	
CHRISTOPHER)	
T. FRENCH, ALBERT J. MONTANO)	
and MARK D. WEISSMAN, M.D.,)	
)	
Defendants.)	

**LAKE FOREST PARTNERS, LLC AND CHRISTOPHER T. FRENCH'S
MOTION TO RE-CHARACTERIZE REPLY**

Defendants Lake Forest Partners, LLC (“Lake Forest”) and Christopher T. French (“French”) and by and through their attorneys, move this Court to consider their brief styled as a Response to Summary Judgment as their response to Plaintiff’s motion for Judgment on the Pleadings. In support of this motion, French and Lake Forest state as follows:

1. On May 1, 2008, Lake Forest and French filed a brief styled as their Response to Plaintiff's Motion for Summary Judgment.
2. This Court had ordered them to reply to Plaintiff's motion to judgment on the pleadings, which was tacked on to the end of his Motion for Default Judgment.
3. Lake Forest and French would not have filed a substantially different response to a motion for Judgment on the Pleadings – the arguments regarding the

enforceability and interpretation of the ambiguous terms within the contracts in question remain the same in either context.

4. Indeed, Lake Forest and French's arguments regarding the ambiguity of the contract terms are all the more compelling when reviewed under the standard for judgment on the pleadings. The appropriate standard to be applied in a motion for judgment on the pleadings is a Rule 12(c) standard, where judgment for the Plaintiff is appropriate "only when it appears beyond a doubt that [the defendants] cannot prove any facts to support a claim for relief and the moving party demonstrates that there are no material issues of fact to be resolved[.]" *Moss v. Martin*, 471 F.3d 694, 698 (7th Cir. 2007).

WHEREFORE, Defendants Lake Forest and French move this Court to consider their Reply to Plaintiff's Motion for Summary Judgment as their reply to Plaintiff's Motion for Judgment on the Pleadings, and to apply the appropriate standard to that motion.

LAKE FOREST PARTNERS, LLC AND
CHRISTOPHER T. FRENCH

/s/ Christopher J. Petelle
One of Their Attorneys

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